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2-23-01
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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

RONALD RILEY,**Plaintiff****v.****MARTIN HORN, et al.,****Defendants**:
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:**No. 1:00-CV-0485
(Judge Rambo)****FILED
HARRISBURG****FEB 22 2001****MARY E. D'ANDREA, CLERK**
Per [Signature]
DEPUTY CLERK

**DEFENDANTS' RESPONSE TO PLAINTIFF'S
MOTION TO AMEND MEMORANDUM IN
SUPPORT OF MOTION TO COMPEL DISCOVERY**

This is a pro se prisoner civil rights action filed pursuant to 42 U.S.C. §1983 alleging claims under the First, Eighth and Fourteenth Amendments to the United States Constitution. Plaintiff, Ronald Riley, is a prisoner currently incarcerated at the State Correctional Institution at Huntingdon ("SCI-Huntingdon"). Defendants are employees or former employees of the Pennsylvania Department of Corrections ("DOC"), or employees of the Pennsylvania Board of Probation and Parole ("Board"). The allegations in the complaint stem from an alleged bogus misconduct, an unlawful transfer to SCI-Huntingdon and racial discrimination.

Riley served the defendants with four sets of interrogatories and a request for production of documents on July 3, 2000. The defendants responded to the discovery on August 7, 2000 and August 17, 2000. Defendants objected to producing portions of the interrogatories and document requests as seeking information and documents that contained privileged or confidential information. On September 11, 2000, Riley filed as motion to compel and supporting brief. Defendants filed a memorandum of law in opposition to Riley's motion to compel on September 29, 2000. On February 5, 2001, Riley filed a Motion to Amend Plaintiff's Motion/Memorandum in Support of

Motion to Compel Discovery. In his motion, Riley reiterates his document production requests, and seeks to correct section "A" in his memorandum in opposition to plaintiff's motion to compel. This response is filed to Riley's motion to amend his motion to compel.

For brevity reasons defendants will not rebrief their arguments in opposition to Riley's motion to compel; rather, they incorporate their briefs filed on September 29, 2000 as a response to Riley's motion to amend his memorandum. Defendants respectfully direct the court to that brief and the arguments contained therein.

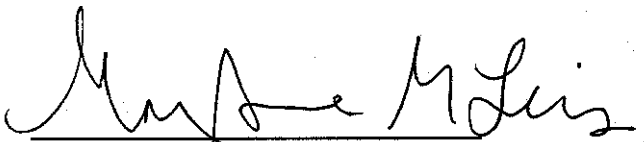
Moreover, defendants bring to this Court's attention that on January 31, 2001, defendants responded to Riley's Fourth Set of Interrogatories. In the response, it was explained to Riley that he was not transferred to SCI-Greene because he was approved to be transferred to the Harrisburg Community Corrections Center, which is within the area known to the Department of Corrections as Region II. (See Def. Resp. to Fourth Set of Inter., ¶ 2, attached as Exhibit "A" to Pl. Motion to Amend.). In addition, defendants responded to Riley that he was transferred to SCI-Huntingdon because it was the only facility in Region II with outside units. (Id. ¶3). Defendant's also responded to Riley that he no longer had any active separations at SCI-Huntingdon because the staff member he was separated from was no longer employed at the institution. (Id. ¶5).

Riley has received responses outlining why certain information and documents were withheld. Riley was also provided with the information concerning the reasons he was transferred to SCI-Huntingdon.

A review of the legal and factual basis for the objections discussed in defendants previous brief and the answers provided to him in the interrogatories should cause this Court to conclude that Iseley's motion to compel should be denied.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

By: 
MARYANNE M. LEWIS
Deputy Attorney General

Office of Attorney General
15th Flr., Strawberry Sq.
Harrisburg, PA 17120
FAX: (717) 772-4526
Direct Dial: (717) 787-9719
DATE: February 22, 2001

SUSAN J. FORNEY
Chief Deputy Attorney General
Chief, Litigation Section

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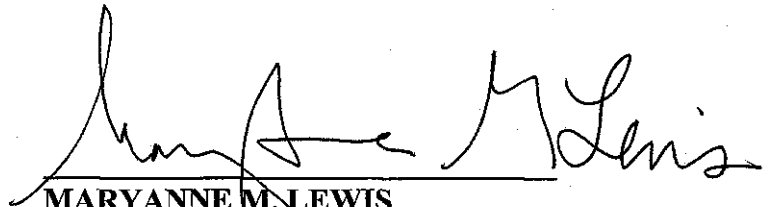
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CERTIFICATE OF SERVICE

I, Maryanne M. Lewis, Deputy Attorney General, hereby certify that on this date I caused to be served the foregoing, by depositing a copy of the same in the United States mail, postage prepaid, in Harrisburg, PA., addressed to the following:

Ronald Riley, #AK-8743
SCI-Huntingdon
Drawer R
1100 Pike St.
Huntingdon, PA 16654-1112


MARYANNE M. LEWIS
DEPUTY ATTORNEY GENERAL

DATE: February 22, 2001